

Chief justice urges earnestness in state trial court reform

It is "time to be in earnest" about carrying through reforms of Michigan's trial courts, Michigan Supreme Court Chief Justice Maura D. Corrigan told a gathering of Michigan lawyers and judges last week.

Corrigan delivered her remarks at the 67th Annual Meeting of the State Bar of Michigan in Grand Rapids. She told her audience, "I fear that if we defer action in search of some theoretically perfect plan, we will have lost the opportunity" to improve Michigan trial courts.

On the trial court level, Michigan has circuit, probate, and district courts. Each court has jurisdiction over different kinds of cases.

Based on a study initiated when Justice Michael F. Cavanagh was chief justice, the Supreme Court authorized "demonstration project" courts to experiment with court consolidation. In 1996, the State Court Administrative Office invited trial courts throughout the state to apply for the project. Six project courts — Barry County, Berrien County,

Isabella County, Lake County, Washtenaw County, and 46th Circuit (which includes Otsego, Crawford, and Kalkaska counties) were chosen. In 1999, Iron County became the seventh demonstration project court.

In all these courts, district, circuit and probate courts were combined into one trial court. Any judge within the trial court has full authority to hear any case that comes before that court. The project courts also have the flexibility to deal with local challenges and needs.

The demonstration project courts combined the functions of all three courts into a single "trial court." A consolidated trial court has a single budget. All the judges of the consolidated trial courts may be assigned to any division of the court — family, criminal, civil, etc. — to meet the demands of the court's workload.

In a September 2001 report, the National Center for State Courts (NCSC) concluded that "all of the consolidated courts are generally making more efficient use of judicial and

quasi-judicial resources ... than the pre-consolidation courts." In addition, the courts used technology effectively and cut down on the amount of time used to resolve cases. The demonstration project courts also "hastened the delivery of justice to families," the report stated.

The Michigan Legislature created the Family Division of Circuit Court, which became operative in 1998. But, almost two years earlier, the demonstration projects created family divisions to resolve cases involving family and children's issues. The result was improved coordination of cases relating to the same family, the NCSC concluded.

Unified trial courts have also reduced operating costs as compared with pre-unified courts in the same county, the NCSC report states.

In March 2002, the Supreme Court unanimously recommended that the Legislature consider implementing a "local option" for consolidating circuit, probate and district

courts. On August 13, two bills — Senate Bill 1400 and House Bill 6260 — were introduced by Sen. William Van Regenmorter and Rep. Jim Howell. HB 6260 permits participating courts to have a "plan of concurrent jurisdiction" and SB 1400 gives certain probate judges included in a family division plan the authority to hear family division cases.

While not taking a position on the bills, Corrigan told her audience, it "is time to be in earnest about court reform." She said the Supreme Court has learned, through demonstration project courts that have combined circuit, probate and district courts, that consolidated courts are more efficient, save tax dollars, and provide better service to families.

"Some judges have said to me, 'Why change the system? Why fix what's not broken?' My answer is that, to far too many of our Michigan citizens, the system is, if not broken outright, at least in great need of improvement. We cannot ignore their expectations or their criticisms," she said.